

REMARKS/ARGUMENTS

In the Office Action mailed August 7, 2008, claims 1-8 and 10-25 were rejected. In response, Applicants hereby request reconsideration of the application in view of the proposed amendments and the below-provided remarks.

For reference, proposed amendments are presented for claims 1, 3, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, and 24 to clarify the storage location of working data. These amendments are supported, for example, by the subject matter described at page 5, lines 13-21 of the specification. Also, claim 4 is amended to specify a type of persistent-memory device. This amendment is supported, for example, by the subject matter described at page 3, lines 14-18. No claims are added or canceled.

Claim Rejections under 35 U.S.C. 103

Claims 1-4, 7, 8, and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stockdale et al. (U.S. Pat. No. 6,804,763, hereinafter Stockdale) in view of Cheng et al. (U.S. Pat. No. 5,701,516, hereinafter Cheng) and further in view of O'Neill (U.S. Pat. Pub. No. 2003/0182414, hereinafter O'Neill). Additionally, claims 5, 6, and 11-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stockdale in view of Cheng, further in view of O'Neill and further in view of Hanes (U.S. Pat. Pub. No. 2003/0081932, hereinafter Hanes). Additionally, claims 16-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stockdale in view of Cheng in view of O'Neill in view of Hanes and further in view of Lee et al. (U.S. Pat. No. 5,930,167, hereinafter Lee). However, Applicants respectfully submit that these claims are patentable over Stockdale, Cheng, O'Neill, Hanes, and Lee for the reasons provided below.

Independent Claim 1

Claim 1 recites "a first working data structure comprising a plurality of working data blocks to the memory device and to write a second working data structure comprising a copy of the plurality of working data blocks, wherein the second working

data structure comprises a copy of the first working data structure in the same persistent-memory device as the first working data structure” (emphasis added).

In contrast, O’Neill merely teaches copying information contained in the working bank 1232 (RAM) to a separate backup bank 1234 (FLASH), and then making a second copy into the separate backup bank 1242 (FLASH). O’Neill, paragraph 148. While the backup banks 1234 (FLASH) and 1242 (FLASH) are residing in the same backup memory bank, they are not residing in the same memory device as the first working data bank 1232 (RAM). Since O’Neill recites that the working bank 1232 is implemented in RAM, and the backup banks 1234 and 1242 are implemented in flash memory, O’Neill merely describes one bank of working memory. The other backup banks 1234 and 1242 are not described as working memory. Therefore, since O’Neill teaches that the copy is stored in flash memory and not in working RAM memory, the copy is not in the same persistent-memory device as the original working data. Therefore, O’Neill does not teach this limitation of the claim.

Additionally, the Office Action does not assert that Stockdale or Cheng might teach the missing limitation of O’Neill. Therefore, the combination of Stockdale, Cheng, and O’Neill do not teach all of the limitations of the claim because Stockdale, Cheng, and O’Neill do not teach a copy of the first working data structure in the same memory device as the first working data structure. Accordingly, Applicants respectfully assert claim 1 is patentable over the combination of Stockdale, Cheng, and O’Neill because Stockdale, Cheng, and O’Neill do not teach all of the limitations of the claim.

Independent Claim 5

Applicants respectfully assert independent claim 5 is patentable over the combination of Stockdale, Cheng, and O’Neill at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 5 recites “wherein the copy of the first working data structure is written to the same persistent-memory device as the first working data structure, and wherein the persistent-memory is used as a write cache memory for said file system device” (emphasis added).

Here, although the language of claim 5 differs from the language of claim 1, and the scope of claim 5 should be interpreted independently of claim 1, Applicants

respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 5. Accordingly, Applicants respectfully assert claim 5 is patentable over the combination of Stockdale, Cheng, and O'Neill because Stockdale, Cheng, and O'Neill do not teach creating a copy of the first working data structure written to the same persistent-memory device as the first working data structure.

In addition, the Office Action recites that Stockdale teaches assigning at least one disk space address to at least one file, even though the system taught by Stockdale is a gaming machine without a disk. It would have been impossible for Stockdale to teach assigning at least one disk space address because Stockdale does not teach assigning disk space addresses. Accordingly, Applicants respectfully assert claim 5 is patentable over the combination of Stockdale, Cheng, and O'Neill because Stockdale, Cheng, and O'Neill do not teach assigning a disk address space.

Independent Claim 7

Applicants respectfully assert independent claim 7 is patentable over the combination of Stockdale, Cheng, and O'Neill at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 7 recites “wherein the copy of the first working data structure is stored in a same persistent-memory device as the first working data structure” (emphasis added).

Here, although the language of claim 7 differs from the language of claim 1, and the scope of claim 7 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 7. Accordingly, Applicants respectfully assert claim 7 is patentable over the combination of Stockdale, Cheng, and O'Neill because Stockdale, Cheng, and O'Neill do not teach the copy of the first working data structure is stored in the same persistent-memory device as the first working data structure.

Independent Claim 10

Applicants respectfully assert independent claim 10 is patentable over the combination of Stockdale, Cheng, and O'Neill at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 10 recites

“second working data structure comprises a copy of the first working data structure in the same persistent-memory device as the first working data structure” (emphasis added).

Here, although the language of claim 10 differs from the language of claim 1, and the scope of claim 10 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 10. Accordingly, Applicants respectfully assert claim 10 is patentable over the combination of Stockdale, Cheng, and O’Neill because Stockdale, Cheng, and O’Neill do not teach a copy of the first working data structure in the same persistent-memory device as the first working data structure.

Independent Claim 11

Applicants respectfully assert independent claim 11 is patentable over the combination of Stockdale, Cheng, O’Neill, and Hanes at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 11 recites “the second working data structure comprises a copy of the first working data structure in the same persistent-memory device as the first working data structure” (emphasis added).

Here, although the language of claim 11 differs from the language of claim 1, and the scope of claim 11 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 11. Accordingly, Applicants respectfully assert claim 11 is patentable over the combination of Stockdale, Cheng, O’Neill, and Hanes because Stockdale, Cheng, O’Neill, and Hanes do not teach a copy of the first working data structure in the same persistent-memory device as the first working data structure.

Dependent Claims

Claims 2-4, 6, 8, and 12-25 depend from and incorporate all of the limitations of the corresponding independent claims 1, 5, 7, and 11. Applicants respectfully assert claims 2-4, 6, 8, and 12-25 are allowable based on allowable base claims. Additionally, each of claims 2-4, 6, 8, and 12-25 may be allowable for further reasons.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the proposed amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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